

Message Text

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TO USDOC WASHDC PRIORITY

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E.O. 11652: N/A

TAGS: BDIS, TH

SUBJECT: TRADE COMPLAINT: DEVICE TRADING LTD. VS. VIKING FIRE
PROTECTION ASSOCIATES INC., HASTINGS, MICHIGAN

REF: (A) 75 BANGKOK 20740, (B) 75 USDOC 15314, (C) 76 BANGKOK 14035,
(D) 76 USDOC 8570

1. THROUGH ASSISTANCE OF EMBASSY'S TRADE OPPORTUNITY REPORT, DEVICE TRADING LTD. OF BANGKOK WAS APPOINTED BY VIKING FIRE PROTECTION ASSOCIATES INC., 210 N. INDUSTRIAL PARK ROAD, HASTINGS, MICHIGAN (PHONE: 616-945-9501) AS ITS EXCLUSIVE REPRESENTATIVE IN THAILAND IN 1971. A NOTARIZED LETTER DATED JAN 8, 1976 SIGNED BY MR. C.W. DOLAN, VICE PRESIDENT, MARKETING TO THE COMMANDER IN CHIEF OF THE ROYAL THAI ARMY STATED QUOTE IN ORDER TO ASSURE YOU OF GETTING OUR GENUINE PARTS AND EQUIPMENT, WE WILL BE SUPPLYING OUR PRODUCTS ONLY THROUGH DEVICE TRADING LTD. BECAUSE NO OTHER REPRESENTATIVES IN OTHER COUNTRIES ARE ALLOWED TO SUPPLY OR SELL VIKING PRODUCTS FOR INSTALLATION IN THAILAND UNQUOTE. THE LETTER FURTHER STATED QUOTE WE ALSO WOULD LIKE TO CONFIRM THERE WILL BE ABSOLUTELY NO SALES OF GENUINE VIKING COMPONENT PARTS OR SYSTEM ANYWHERE IN THAILAND EXCEPT THROUGH DEVICE TRADING LTD. UNQUOTE.

2. IN 1972 DEVICE TRADING HIRED, AT ITS OWN EXPENSE, AN ENGINEER FROM VIKING TO PREPARE DRAWINGS AND SPECIFICATIONS FOR AN AUTOMATIC FIRE PROTECTION SPRINKLER SYSTEM FOR THE ROYAL THAI
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ARMY. IT THEN PLACED AN ORDER FOR A SAMPLE UNIT AT A CIF PRICE OF \$76,303.60 FROM VIKING FOR A DEMONSTRATION OF THE SYSTEM AT THE ROYAL THAI ARMY HEADQUARTERS. RTA WAS IMPRESSED WITH THE SYSTEM DEVISING ITS SPECIFICATIONS OF THE TENDER DOCUMENTS IN ACCORDANCE WITH VIKING'S SYSTEM AND SUBSEQUENTLY REQUESTED FUNDS FOR THE PURCHASE WHICH WAS APPROVED IN 1975.

3. FROM COPIES OF THE CORRESPONDENCE BETWEEN DEVICE TRADING AND VIKING, VIKING FREQUENTLY REFERRED TO DEVICE TRADING AS ITS EXCLUSIVE REPRESENTATIVE IN THAILAND FOR SALE AND SERVICE OF VIKING'S PRODUCTS, AND THE PRESIDENT, RICHARD GROOS, CONFIRMED THIS DURING HIS VISIT TO THAILAND IN LATE 1976.

4. IN RESPONSE TO RTA TENDER INVITATION, HART ENGINEERING OF BANGKOK WAS AWARDED THE CONTRACT AND SUCCEEDED IN NEGOTIATING WITH VIKING FOR THE SUPPLY OF EQUIPMENT REQUIRED. DEVICE TRADING, WITH WHAT IT CONSIDERS AS AN INVESTMENT OF \$300,000 IN THE SALE, CONSIDERS THIS A BREACH OF CONTRACT AND PLANS TO RECOUP ITS INVESTMENT THROUGH THE COURTS IF VIKING PERSISTS IN SELLING TO HART ENGINEERING. OBVIOUSLY, VIKING WANTS TO SELL ITS PRODUCTS BUT VIOLATING AN EXCLUSIVE AGREEMENT WITH ITS REPRESENTATIVES REFLECTS BADLY ON THE INTEGRITY OF U.S. FIRMS AS A WHOLE. EMBASSY HAS LEARNED THAT DEVICE TRADING IS WORKING ON ANOTHER MAJOR PROJECT FOR RTA BUT IS RELUCTANT TO QUOTE ON VIKING'S EQUIPMENT AND IS SEEKING OTHER SOURCES OF SUPPLY.

5. USDOC IS REQUESTED TO REVIEW REFTELS AND CONTACT MR. GROOS OF VIKING TO SEE IF HE CONSIDERS DEVICE TO BE VIKING'S "EXCLUSIVE" AGENT IN THAILAND. IF SO, SHOULD VIKING BE OFFERING ITS EQUIPMENT TO ANOTHER THAI FIRM.

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